UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1994/76/Add.1
21 January 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fiftieth session
Item 19 of the provisional agenda

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Situation of human rights in Romania

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the Commission on Human Rights the report of Mr. Joseph Voyame, former Special Rapporteur of the Commission and Executive Director of the Romanian Human Rights Institute for the period January to December 1993, which he submits in accordance with Commission resolution 1993/72.

GE.94-10315 (E)

Annex

REPORT ON THE SITUATION OF HUMAN RIGHTS IN ROMANIA PREPARED BY MR. JOSEPH VOYAME, EXECUTIVE DIRECTOR OF THE ROMANIAN HUMAN RIGHTS INSTITUTE FOR THE PERIOD JANUARY TO DECEMBER 1993

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Introduction

Background

1. In the face of the numerous and serious violations of human rights committed in Romania under the Ceaucescu regime, the Commission on Human Rights decided, by its resolution 1989/75, to appoint a special rapporteur to examine human rights in Romania. This mandate was renewed for 1990 and 1991 (resolutions 1990/50 and 1991/69). Each year, the Commission has considered the reports of the Special Rapporteur (E/CN.4/1990/28 and Add.1, E/CN.4/1991/30 and E/CN.4/1992/28 and Add.1).

2. At its forty-eighth session in 1992, the Commission on Human Rights welcomed the efforts of the Government of Romania to promote respect for human rights, took note of the conclusion of an agreement between the Centre for Human Rights and the United Nations Fund for Advisory Services and Technical Assistance in the field of Human Rights, on the one hand, and the Government of Romania, on the other, providing for publications, training, education, seminars, workshops, fellowships, advisory services of experts and support for national institutions to be given for a period of two to three years commencing 1 October 1991 (resolution 1992/64)

3. It was against this background that, under an agreement concluded in January 1993 with the Romanian authorities, the Centre for Human Rights appointed Mr. Joseph Voyame as Executive Director of the Romanian Human Rights Institute for a period expiring at the end of 1993. During that year, the Executive Director devoted 80 days, in other words about one third of his working time, to the management of the Institute and the performance of other duties.

Human rights in Romania

4. Whereas human rights were seriously violated under the Ceaucescu regime until the end of 1988, the situation has improved appreciably during subsequent years.

5. At the end of 1991, in his capacity as Special Rapporteur of the Commission, the Executive Director concluded that, generally speaking, human rights were being respected in Romania. He nevertheless noted that, while the country had established satisfactory political, administrative and judicial institutions, there were still serious shortcomings, for example as regards the practical implementation of the new constitutional and legislative provisions, the independence and impartiality of the judicial and administrative system, and above all the treatment of minorities.

6. Since the end of 1991, free elections have been held (1992) and new institutions have continued to be set up with a view to ensuring even greater respect for human rights. Of course, this trend has not yet been completed. The problem of minorities, in particular, is still disquieting. Romania has been established as a unitary State, with a single national language, which is also the only language used in judicial proceedings. The majority shows no

magnanimity towards the main ethnic and linguistic minorities or towards certain religious minorities such as the Greek-Catholic (Uniate) Church. On the contrary, these minorities are still subjected to the distrust and even hostility of a significant proportion of the population and the national authorities appear to be doing little to combat this intolerance.

7. However, it is noteworthy that Romania has just joined the Council of Europe. It will therefore be obliged to accede to the European Convention on Human Rights, which, through the procedures established, will guarantee even more effective respect for human rights in Romania.

The Romanian Human Rights Institute

8. The Institute was founded in autumn 1991 and is a national body answerable to Parliament and hence independent of the Government. Its main functions are the following:

(a) To carry out research in the field of human rights and, to that end, establish a library;

(b) To provide human rights training, inter alia, by organizing conferences and symposia in Romania and training courses abroad;

(c) To supply general information on human rights, in particular through publications (periodicals, pamphlets, lectures, interviews, etc.);

(d) To advise the authorities, on legislative matters in particular;

(e) To intercede with the authorities in the event of violations of human rights, until such time as the post of ombudsman is created.

9. About 15 persons work at the Institute, most of whom are university graduates. It is headed by the Executive Director, who worked part time in 1993, and by a Deputy Director, who is employed full time.

I. ACTIVITIES OF THE INSTITUTE AND ITS EXECUTIVE DIRECTOR IN 1993

10. In the light of his responsibilities, the Executive Director dealt with the operation and organization of the Institute in general and all the tasks incumbent on him by virtue of his mandate. However, he devoted particular attention to the events and other activities organized in collaboration with the Centre for Human Rights, which will be highlighted below.

Organization of the Institute, contacts with other institutions

11. Although it has only a small staff, the Institute needs a better structure. In particular, responsibilities, even minor ones, are concentrated in the hands of the management, with the result that the staff have absolutely no scope for initiative. The Executive Director tried to remedy the situation by delegating some responsibilities and by encouraging a spirit of initiative. He also tried to improve the training of the staff in the field of human rights by giving lectures and other presentations. Furthermore, many of the staff were able to attend most of the events organized at the Institute.

12. He also took various measures in an attempt to rationalize the organization of events at the Institute and leave less room for improvisation, not to say confusion. He maintained contacts with the various Romanian authorities, including the Head of State, parliament, ministers, the courts, etc. This facilitated the organization of certain events and made it easier for the Institute to intervene in the event of violations of human rights. He also tried to maintain closer contacts with the non-governmental human rights organizations, for example by inviting them to take part in the activities of the Institute and by attending their own events.

13. Lastly, he attempted - admittedly without much success - to achieve greater decentralization of the Institute's activities.

Symposia, seminars and other events

14. Such events are very important because training and information constitute essential tasks of the Institute. They were in general well attended (30 to 100 participants) and were given excellent media coverage. The newspapers, radio and television reported regularly on them, often with interviews. The Executive Director chaired most of the events and was responsible on each occasion for at least one presentation.

15. A number of events were organized in collaboration with the Centre for Human Rights. These were seminars and symposia in whose organization the Centre played an active part, each time placing four or five international experts at the disposal of the Institute and occasionally assigning one of its staff to prepare a report. Besides these experts, a roughly similar number of Romanian rapporteurs spoke and led the discussions.

16. The following events were organized:

1-5 March, Bucharest. Advanced seminar on human rights by the instructors at the police academy and the humanitarian law institutes. About 50 participants, although attendance was somewhat irregular;

10-14 May, Bucharest. Workshop on human rights and the settlement of disputes between citizens and the State. About 50 participants, including representatives of NGOs, trade unions and minorities;

16-19 August, Bucharest. Symposium on human rights and the media, for the Romanian media and other interested parties (about 60 participants);

30 November-3 December, Bucharest. Seminar on human rights for judges, prosecutors and lawyers (of courts of first and second instance). 70-80 participants;

6 December, Bucharest. Meeting to evaluate the programme of advisory services and technical assistance to Romania. Participants included representatives of the ministries concerned and of NGOs.

8 December, Ploiesti. Army Institute of Humanitarian Rights (about 100 participants). Talks on human rights in general. Court of Appeal - talks on human rights in general for judges and prosecutors of courts of first and second instance (about 25 participants);

9 December, Bucharest. NGO briefing (about 40 participants);

10 December, Bucharest. Celebration of Human Rights Day; reading of message from the Secretary-General of the United Nations. Various presentations. About 100 participants, including ambassadors, Secretaries of State, Members of Parliament, judges of the Constitutional Court, the Supreme Court and other courts.

17. The following events were organized without the help of the Centre:

15-17 March, Bucharest. Satellite meeting of the World Conference on Human Rights. Subject: reform of the international human rights institutions. About 80 participants, including ambassadors, Ministers, Secretaries of State, Members of Parliament, judges, NGOs. Discussion and adoption of the Declaration of Bucharest, published and submitted to the World Conference;

Summer 1993, at various venues. Decentralized seminars on human rights for schools (teachers and pupils).

18. The following fellowships were awarded:

July 1993: five fellowships to persons working in the area of human rights (in particular, representatives of a minority and an NGO) for a two-week stay in Geneva and Strasbourg;

November 1993, five fellowships to staff-members of various ministries, responsible for preparing national reports in Romania, for a stay in Geneva to attend a seminar at the United Nations.

General information

19. The following publications of the Institute continued to appear in 1993:

Its quarterly review Drepturile Omului (Human Rights), which maintains an excellent standard;

Several pamphlets dealing with different human rights subjects;

Two volumes which were published on Human Rights Day;

A summary of human rights by Mr. Diaconu (currently Ambassador of Romania in Denmark);

A study of minorities in Romania by Mr. Oança, staff member of the Institute.

Some publications received (or will receive) assistance from the Centre.

20. As stated earlier, the events organized by the Institute were given good coverage in the Romanian media and this contributed greatly to public knowledge of human rights. The Executor Director and other staff members of the Institute gave several talks, for example to students or within the framework of events arranged by other organizations. They also published articles in newspapers and gave several interviews.

21. Since the Institute is a research body, it is essential that it should have a good library. The Executive Director therefore endeavoured to expand the very small library which existed at the beginning of 1993.

22. The Institute is a depositary of the Council of Europe and therefore possesses many of the Council's publications. It has also received the publications which the Centre for Human Rights makes available to the public free of charge. But all this is clearly not enough. It is essential that the Institute should have at its disposal the main works and journals on legal theory and jurisprudence in the area of human rights, as well as certain basic works on national and international public law.

23. On the basis of credit obtained from the Swiss Government (see "Swiss programme" below), 25,000 Swiss francs have been or are still to be spent for the purchase of such works. In addition, in setting up the library (in particular the cataloguing) and organizing its operation, the Institute is being assisted by one of the librarians, of Romanian origin, from the Swiss Institute of Comparative Law in Lausanne; in this connection she has already made several visits to Bucharest.

24. In addition, the Centre was asked to use part of the credit opened in favour of Romania to provide the Institute with all the United Nations publications on human rights.

Advice to the authorities, particularly on legislative matters

25. During 1993, the Institute provided advice in this area on two occasions. First, it approached Parliament on the subject of a press bill which might, at least on one point, have seriously violated freedom of the press. Consideration of this bill has not so far been resumed by Parliament. Secondly, by order of the President of the Chamber of Deputies, the Institute, with the assistance of two international experts sent by the Council of Europe, drafted a bill concerning the creation of the post of ombudsman.

Technical equipment

26. During 1993, the Institute received various valuable items of technical equipment from the Centre for Human Rights. However, more will be needed, particularly in order to facilitate the organization of conferences and other events of that kind. In particular, it must have an overhead projector and facilities for simultaneous interpretation, which at present have to be rented for each event and are very costly.

"Swiss Programme"

27. The Executive Director succeeded in obtaining substantial assistance from the Swiss Government in the form of cash and staff.

28. Thought has already been given (see above) to setting up a human rights library. In addition, a young Romanian research worker, who teaches at the police academy, has received a fellowship which will enable him, during the first half of 1994, to attend a six-month training course at the Swiss Institute of Comparative Law in Lausanne. He is completing his doctoral thesis in law on international procedures for monitoring human rights.

29. It is planned to organize, in Switzerland in 1994, a two-month training course for some 30 officers of the Romanian prison service. This course will consist of about two weeks of lectures and six weeks of training in prison institutions. These studies will be supplemented the following year by a 10-day refresher course in Romania.

30. Lastly, the Institute received six typewriters from the Swiss administration.

II. CONSIDERATIONS AND RECOMMENDATIONS

Conclusions

31. It is apparent from the above that the Romanian Human Rights Institute was extremely active in 1993. In particular it is becoming a well-equipped research centre. It has helped to train many persons directly concerned and has made human rights known to a wider public. Such activity was and still is indispensable after more than 40 years of a regime which isolated the Romanian people and disregarded and systematically violated human rights.

32. This does not mean that all the goals established at the outset have been achieved. As explained earlier, a better structure, better organization of events, more decentralization of its work and closer cooperation with the NGOs were the goals of the Institute. These have been only partially achieved - for various reasons.

33. All matters relating to the Institute's organization and methods of work require firmness and constant supervision, which are impossible if the Executive Director's presence is only sporadic. His work there must be uninterrupted.

34. If there is to be better cooperation with the NGOs, and this is highly desirable, then the Centre for Human Rights must be "represented" in Bucharest, not by the director of a national institute, which breeds distrust among NGOs, but by an independent expert.

35. Decentralization of the work of the Institute would have required, from the Executive Director, more outside contacts, and hence more time, in addition to what he necessarily had to devote to the Institute itself and the events which it organized in Bucharest.

36. Lastly, even though the Executive Director had the impression that he was doing a useful job in Bucharest, he feels that the solution chosen was not the best.

Recommendations

37. The foregoing does not in any way mean that, in the opinion of the Executive Director, the assistance to Romania project should be abandoned in 1994. On the contrary, he feels that it should be pursued.

38. The "Swiss programme", in particular, should be continued. Within this framework, care will have to be taken to ensure that the library is properly organized, that any waste is avoided, and that it really becomes a public library, accessible to anyone interested, and especially to NGOs. The urgently needed programme planned for prison personnel will also have to be pursued.

39. Although the Institute has devoted a lot of attention to training, the task is far from complete. The Executive Director could raise only two points. First, an important seminar on minorities, which had been scheduled for the end of September 1993, had to be postponed for various reasons. Something has to be done; it is absolutely essential that decisive action be taken to address the issue of the minorities in Romania, even though the officials of this country consistently deny that there is any problem. Secondly, as Romania will soon be bound by the European Convention on Human Rights, which, as is well known, is immediately applicable, there is an urgent need to organize in 1994 already, in cooperation with the Council of Europe, a series of seminars to train Romanian magistrates and lawyers in this field.

40. In the opinion of the Executive Director, the advisory services of the Centre for Human Rights should therefore continue their work in Romania in one way or another. Apart from the assistance given in cash and the measures taken directly from Geneva, I consider that on-the-spot assistance is necessary. But such assistance should not consist in providing the Executive Director of the Institute. Even if he works full time, he will either disappoint his staff by giving priority to the NGOs and groups outside the capital, or the latter will be disappointed if, in his capacity as Executive Director, he devotes the bulk of his time to the Institute.

41. What is needed, therefore, is an independent expert. Ideally, he should have the necessary competence and experience and should be able to devote himself entirely, for at least one year, to his work in Romania. If this is not possible, a part-time expert might also answer the purpose; he would not have the responsibility of heading the Institute and would have the necessary time and freedom to do his work throughout the country and cooperate more closely with the NGOs.

Final comment

42. The Executive Director would not wish to end this report without expressing his appreciation to all those who assisted him in his work in Bucharest. He wishes to thank, first of all, the Centre for Human Rights and all its staff; secondly, Mr. Bernard Féry, United Nations Resident Representative in Bucharest, and his staff; and lastly, the staff of the Romanian Human Rights Institute, who have always distinguished themselves through their outstanding dedication.